

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 July 2001 (11.07.01)	
International application No. PCT/US00/07729	Applicant's or agent's file reference 2760/2G035-W
International filing date (day/month/year) 23 March 2000 (23.03.00)	Priority date (day/month/year) 29 September 1999 (29.09.99)
Applicant KAMMAN, Hakki, Riza	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

20 April 2001 (20.04.01)

☐ in a notice effecting later election filed with the International Bureau on:
2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Nestor Santesso

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 DEC 2001

IPO

PCT

Applicant's or agent's file reference 2760/2G035-WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/07729	International filing date (day/month/year) 23 MARCH 2000	Priority date (day/month/year) 29 SEPTEMBER 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/60 and US Cl.: 705/26		
Applicant KAMMAN, HAKKI RIZA		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 APRIL 2001	Date of completion of this report 21 NOVEMBER 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer TARIQ HAFIZ <i>James R. Matthews</i>
Facsimile No. (703) 305-3230	Telephone No. (703) 305-9643

I. Basis of the report**1. With regard to the elements of the international application:***☒ the international application as originally filed☒ the description

pages: 1-23

pages: NONE

pages: NONE

as originally filed

filed with the demand

☒ the claims:

pages: 24-27

pages: NONE

pages: NONE

pages: NONE

as originally filed

as amended (together with any statement) under Article 19

filed with the demand

☒ the drawings:

pages: 1-21

pages: NONE

pages: NONE

as originally filed

filed with the demand

☒ the sequence listing part of the

description: NONE

pages: NONE

pages: NONE

as originally filed

filed with the demand

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international publication (under Rule 46.3(b))☐ the language of publication of the international application (under Rule 46.3(b))☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international**☐ contained in the international application in printed form☐ filed together with the international application in computer-readable form☐ furnished subsequently to this Authority in written form☐ furnished subsequently to this Authority in computer-readable form☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished☐ The statement that the information recorded in computer-readable form is identical to the written sequence listing has been furnished**4. ☒ The amendments have resulted in the cancellation of**☒ the description, pages: NONE☒ the claims, No.: NONE☒ the drawings, sheets: 44 NONE**5. ☐ This report has been drawn as if (some of) the amendments had not been made, inasmuch as they go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 47.4).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/07729

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-21</u>	NO
Industrial Applicability (IA)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claim 1, and 3-9 lack an inventive step under PCT Article 33(3) as being obvious over "From2.com Forms Strategic Partnership With Subasta.com" (hereinafter From2.com) in view of US Pat. No. 5,063,506, Brockwell et al. (hereinafter Brockwell).

As to claim 1, From2.com discloses a method for facilitating international electronic commerce through a distributed computer network (i.e. enhances the subasta.com website ... enabling consumers to conduct one-stop shopping that includes shipping and logistics)(page 1, lines 19-26), comprising the steps of:

- a) obtaining purchase transaction details concerning an item to be purchased (i.e. it calculates all freight, insurance, duties ... associated with shipping a product overseas)(page 2, lines 1-8); and
 - d) reporting the tariff due through the distributed computer network (page 1, lines 27-33).
- From2.com does not explicitly disclose
- b) selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details; and
 - c) determining a tariff due by applying the selected harmonized code.

However, Brockwell discloses selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details and determining a tariff due by applying the selected harmonized code (see Fig. 11, Fig. 12 and col. 6, lines 5-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details and determining a tariff due by applying the selected harmonized code within the From2.com method in order to estimate costs of delivering goods (col. 2, lines 18-34).

As to claim 3, From2.com does not explicitly disclose the method as in claim 1, wherein the selecting step comprises using (Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

an artificial intelligent software routine.

However, the Examiner notes that it was well known in the computer arts to use artificial intelligence to emulate decision making or reasoning ability to form conclusions. Use of an example of an artificial intelligent routine, such as an expert system, is well known in application computer programs that make decisions or solve problems in a particular field by using knowledge and analytical rules defined by experts in that field. Expert systems emulate the decision making of experts in the subject area covered by the application program (e.g. investments, banking, medicine), providing a user interface that recommends or suggests solutions or conclusions based on certain facts and rules for users who might not be knowledgeable in the field of endeavor presented by the application program. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the selecting step comprises using an artificial intelligent software routine within the From2.com method for the motivation stated above.

As to claim 4, From2.com and Brockwell do not explicitly disclose the method as in claim 1, including the additional steps of generating an invoice, an airway bill and a packing list from the purchase transaction details and providing same through the distributed computer network.

However, the Examiner notes that it was well known in the electronic shipping arts to generate an invoice, an airway bill and a packing list for goods that were shipped. An invoice, an airway bill and a packing list are standard documents that are commonly generated in preparation of shipping goods used as proof of shipment and as a guarantee of shipment of the goods in question. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the additional steps of generating an invoice, an airway bill and a packing list from the purchase transaction details and providing same through the distributed computer network within the From2.com method for the motivation stated above.

As to claim 5, From2.com discloses the method as in claim 1, wherein the purchase transaction details the freight for shipping the item to the particular destination (i.e. calculates all costs associated with shipping a product overseas ... providing consumers with an international shipping and delivery solution)(page 1, lines 27-33 and page 2, lines 1-14). Although From2.com does not explicitly disclose transaction details include the cost of the item and an item description, the Examiner notes that it was well known in the electronic shopping arts to provide product cost and product descriptions. The use of such information provides a consumer with information concerning products offered for sale by the merchant and that the selected product is the product desired by the consumer. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transaction details include the cost of the item and an item description within the From2.com method for the motivation stated above.

As to claim 6, From2.com discloses the method as in claim 1, wherein the method steps are performed by a programmed computer connected to the distributed computer network (i.e. GDC calculator is linked directly to the merchant's web site)(page 2, lines 2-8).

As to claim 7, From2.com discloses the method as in claim 6, wherein the method steps are performed in real-time (i.e. It calculates all freight, insurance, duties, customs, ..., and gives customers instantaneous, accurate delivery quotes ...)(page 2, lines 1-8).

As to claim 8, From2.com discloses the method as in claim 1, wherein reporting step includes providing the tariff due in the local currency (i.e. fees)(page 2, lines 2-8).

As to claim 9, From2.com does not explicitly disclose the method as in claim 8, wherein the reporting step further includes providing the tariff due in United States currency.

However, Brockwell discloses wherein the reporting step further includes providing the tariff due in United States currency (see Fig. 11). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the reporting step further includes providing the tariff due in United States currency within the From2.com method in order to estimate costs of delivering goods (col. 2, lines 18-34).

Claim 2 lacks an inventive step under PCT Article 33(3) as being obvious over the prior art as applied in the immediately preceding paragraph and further in view of "Electronic Customs tariffs, rules"(TradeRef tariff and trade information software)"(hereinafter TradeRef).

As to claim 2, From2.com and Brockwell do not explicitly disclose the method as in claim 1, wherein the selecting step includes searching through a tariff schedule of the particular destination and identifying a harmonized code that best fits the purchase transaction details.

However, TradeRef discloses wherein the selecting step includes searching through a tariff schedule of the particular

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

destination and identifying a harmonized code that best fits the purchase transaction details (i.e. there you find the word "salsa" and the classification number)(page 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the selecting step includes searching through a tariff schedule of the particular destination and identifying a harmonized code that best fits the purchase transaction details within the From2.com in order to quickly determine the tariff classification and duty determination of a product to be shipped (page 1, line 43 - page 2, line 3).

Claims 10-21 lack an inventive step under PCT Article 33(3) as being obvious over From2.com in view of Brockwell and TradeRef.

As to claim 10, From2.com discloses a method for facilitating international electronic commerce through a distributed computer network (i.e. enhances the subasta.com website ... enabling consumers to conduct one-stop shopping that includes shipping and logistics)(page 1, lines 19-26), comprising the steps of:

- a) obtaining purchase transaction details concerning an item to be purchased (i.e. it calculates all freight, insurance, duties ... associated with shipping a product overseas)(page 2, lines 1-8);
- b) processing the purchase transaction details for shipping the item to a prescribed destination at a minimum applicable tariff rate (page 1, lines 27-32); and
- d) reporting the tariff due through the distributed computer network (page 1, lines 27-33).

From2.com does not explicitly disclose

- b) processing the purchase transaction details to thereby select a harmonized code for shipping the item to a prescribed destination at a minimum applicable tariff rate.

However, TradeRef discloses processing the purchase transaction details to thereby select a harmonized code for shipping the item to a prescribed destination at a minimum applicable tariff rate (page 1, lines 31-35 and page 2, lines 13-16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include processing the purchase transaction details to thereby select a harmonized code for shipping the item to a prescribed destination at a minimum applicable tariff rate within the From2.com in order to quickly determine the tariff classification and duty determination of a product to be shipped (page 1, line 43 - page 2, line 3).

From2.com does not explicitly disclose

- c) determining a tariff due by applying the processed harmonized code.

However, Brockwell discloses determining a tariff due by applying the processed harmonized code(see Fig 11, Fig. 12 and col. 6, lines 5-25): It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include determining a tariff due by applying the processed harmonized code within the From2.com method in order to estimate costs of delivering goods (col. 2, lines 18-34).

As to claim 11, From2.com does not explicitly disclose the method as in claim 1, wherein the selecting step comprises using an artificial intelligent software routine.

However, the Examiner notes that it was well known in the computer arts to use artificial intelligence to emulate decision making or reasoning ability to form conclusions. Use of an example of an artificial intelligent routine, such as an expert system, is well known in application computer programs that make decisions or solve problems in a particular field by using knowledge and analytical rules defined by experts in that field. Expert systems emulate the decision making of experts in the subject area covered by the application program (e.g. investments, banking, medicine), providing a user interface that recommends or suggests solutions or conclusions based on certain facts and rules for users who might not be knowledgeable in the field of endeavor presented by the application program. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the selecting step comprises using an artificial intelligent software routine within the From2.com method for the motivation stated above.

As to claim 12, From2.com and Brockwell do not explicitly disclose the method as in claim 10, wherein the processing step includes searching through a tariff schedule of the particular destination and identifying a harmonized code that best fits the purchase transaction details.

However, TradeRef discloses wherein the processing step includes searching through a tariff schedule of the particular destination and identifying a harmonized code that best fits the purchase transaction details (i.e. there you find the word "salsa" and the classification number)(page 1, lines 31-35). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the selecting step includes searching through a tariff schedule of the particular destination and identifying a harmonized code that best fits the purchase transaction details within the From2.com in order to quickly determine the tariff classification and duty determination of a product to be shipped (page 1, line 43 - page 2, line 3).

As to claim 13, From2.com does not explicitly disclose the method as in claim 10, including the additional steps of generating an invoice, an airway bill and a packing list from the purchase transaction details and providing same through the

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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distributed computer network.

However, the Examiner notes that it was well known in the electronic shipping arts to generate an invoice, an airway bill and a packing list for goods that were shipped. An invoice, an airway bill and a packing list are standard documents that were commonly generated in preparation of shipping goods used as proof of shipment and as a guarantee of shipment of the goods in question. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the additional steps of generating an invoice, an airway bill and a packing list from the purchase transaction details and providing same through the distributed computer network within the From2.com method for the motivation stated above.

As to claim 14, From2.com discloses the method as in claim 12, wherein the purchase transaction details include the freight for shipping the item to the particular (i.e. calculates all costs associated with shipping a product overseas ... providing consumers with an international shipping and delivery solution)(page 1, lines 27-33 and page 2, lines 1-14). Although From2.com does not explicitly disclose transaction details include the cost of the item and an item description, the Examiner takes official notice that it was well known in the electronic shopping arts to provide product cost and product descriptions. The use of such information provides a consumer with information concerning products offered for sale by the merchant and that the selected product is the product desired by the consumer. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transaction details include the cost of the item and an item description within the From2.com method for the motivation stated above.

As to claim 15, From2.com discloses the method as in claim 10, wherein the method steps are performed by a programmed computer connected to the distributed computer network (i.e. GDC calculator is linked directly to the merchant's web site)(page 2, lines 2-8).

As to claim 16, From2.com discloses the method as in claim 6, wherein the method steps are performed in real-time (i.e. It calculates all freight, insurance, duties, customs, ..., and gives customers instantaneous, accurate delivery quotes ...)(page 2, lines 1-8).

As to claim 17, From2.com discloses the method as in claim 10, wherein reporting step includes providing the tariff due in the local currency (i.e. fees)(page 2, lines 2-8).

As to claim 18, From2.com does not explicitly disclose the method as in claim 17, wherein the reporting step further includes providing the tariff due in United States currency.

However, Brockwell discloses wherein the reporting step further includes providing the tariff due in United States currency (see Fig. 11). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the reporting step further includes providing the tariff due in United States currency within the From2.com method in order to estimate costs of delivering goods (col. 2, lines 18-34).

As to claim 19, From2.com discloses in an electronic commerce computer server connected to a distributed computer network, a method for facilitating international electronic commerce with a customer connected to the server through the distributed computer network (i.e. enhances the subasta.com website ... enabling consumers to conduct one-stop shopping that includes shipping and logistics)(page 1, lines 19-26), comprising the steps of:

- a) receiving at the server purchase transaction details concerning an item to be purchased, the item to be purchased having a cost to the customer (i.e. it calculates all freight, insurance, duties ... associated with shipping a product overseas)(page 2, lines 1-8);
- d) providing to the customer a total amount due for the item, the total amount including the tariff due and the cost to the customer (i.e. how much the process will cost them including tariffs and customs)(page 1, lines 27-33 and page 2, lines 1-8); and
- e) receiving at the server payment of the total amount due (i.e. enabling consumers to conduct one-stop shopping)(page 1, lines 22-26 and lines 31-33).

From2.com does not explicitly disclose

- b) selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details.
- c) automatically determining a tariff due by applying the selected harmonized code.

However, Brockwell discloses selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details and determining a tariff due by applying the selected harmonized code (see Fig 11, Fig. 12 and col. 6, lines 5-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include selecting a harmonized code for shipping the item to a particular destination by analyzing at least a portion of the purchase transaction details and determining a tariff due by applying the selected harmonized code within the From2.com method in order to estimate costs of delivering goods (col. 2, lines 18-34). Although Brockwell does not

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

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disclose automatically determining the tariff, merely automating the step of determining the tariff produces the same result as performing the step manually as shown in Brockwell. The end result is the same as compared to the manual method. A computer can perform the steps faster without introducing human error into the method. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include automating the step of determining the tariff within the From2.com method in order to speed up the process of obtaining a tariff for the motivation stated above.

As to claims 20-21, the claims are similar in scope to claim 19 and lack an inventive step for the same reason.

----- NEW CITATIONS -----

US 5,063,506 A (BROCKWELL et al) 05 November 1991, Fig. 11, Fig. 12, col. 2, lines 18-34 and col. 6, lines 5-25.

BONNEY, JOSEPH. Electronic Customs tariffs, rules. (TradeRef tariff and trade information software. American Shipper. January, 1995. Vol. 37. No. 1. page 44.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/07729

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G06F 17/60

US CL : 705/26

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/26, 27, 31; 709/201, 202, 203, 217, 218, 219

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EAST (USPATfiles, Derwent, JPO, EPO), Dialog (financial and business databases) (see attached)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 5,721,832 A (WESTROPE et al) 24 February 1998, col. 2, lines 62-67, col. 3, lines 20-30, lines 35-38, lines 55-61, col. 4, line 55-58, col. 5, lines 24-27, lines 46-52, col. 6, lines 43-50.	1, 2, 4-10, and 12-21
A	US 5,335,169, A (CHONG) 02 August 1994, see abstract.	1-21
A, P	US 5,987,429 A (MARITZEN et al) 16 November 1999, see abstract.	1-21
A, P	US 6,003,008 A (POSTREL et al) 14 December 1999, see abstract.	1-21

☒ Further documents are listed in the continuation of Box C. ☐ See patent family annex.

* Special categories of cited documents:	*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
A document defining the general state of the art which is not considered to be of particular relevance	*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
E earlier document published on or after the international filing date	*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	*A* document member of the same patent family
O document referring to an oral disclosure, use, exhibition or other means	
P document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search

04 JUNE 2000

Date of mailing of the international search report

06 JUL 2000

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

EMANUEL TODEVOELTZ

Telephone No. (703) 305-9714

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US00/07729

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	ANONYMOUS. FROM2.COM ALLIES ITSELF WITH SUBASTA (Subasta.com, an online auctioneer, formed an alliance with OM.From2.com, an e-commerce logistics company). South America Report. 01 August 1999. Vol. 4. No. 4. 1 page.	1-21
Y	MUELLNER, Alexis. Software firm taking aim at FedEx, DHL, and UPS . (From2.com). South Florida Business Journal. 30 July 1999. Vol. 19. No. 50. page 6A(2).	1, 2, 4-10, and 12-21
A	ANONYMOUS. Dialog (File 20: World Reporter). No. 6158215. From2.com Forms Strategic Alliance With Subasta.com. PR NEWswire. 12 July 1999. 2 pages.	1-21